

House Engrossed

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HOUSE BILL 2086

AN ACT

AMENDING SECTION 15-342, ARIZONA REVISED STATUTES; RELATING TO SCHOOL  
DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-342, Arizona Revised Statutes, is amended to  
3 read:

4 15-342. Discretionary powers

5 The governing board may:

6 1. Expel pupils for misconduct.

7 2. Exclude from grades one through eight children under six years of  
8 age.

9 3. Make such separation of groups of pupils as it deems advisable.

10 4. Maintain such special schools during vacation as deemed necessary  
11 for the benefit of the pupils of the school district.

12 5. Permit a superintendent or principal or representatives of the  
13 superintendent or principal to travel for a school purpose, as determined by  
14 a majority vote of the board. The board may permit members and members-elect  
15 of the board to travel within or without the school district for a school  
16 purpose and receive reimbursement. Any expenditure for travel and  
17 subsistence pursuant to this paragraph shall be as provided in title 38,  
18 chapter 4, article 2. The designated post of duty referred to in section  
19 38-621 shall be construed, for school district governing board members, to be  
20 the member's actual place of residence, as opposed to the school district  
21 office or the school district boundaries. Such expenditures shall be a  
22 charge against the budgeted school district funds. The governing board of a  
23 school district shall prescribe procedures and amounts for reimbursement of  
24 lodging and subsistence expenses. Reimbursement amounts shall not exceed the  
25 maximum amounts established pursuant to section 38-624, subsection C.

26 6. Construct or provide in rural districts housing facilities for  
27 teachers and other school employees which the board determines are necessary  
28 for the operation of the school.

29 7. Sell or lease to the state, a county, a city or a tribal government  
30 agency, any school property required for a public purpose, provided the sale  
31 or lease of the property will not affect the normal operations of a school  
32 within the school district.

33 8. Annually budget and expend funds for membership in an association  
34 of school districts within this state.

35 9. Enter into leases or lease-purchase agreements for school buildings  
36 or grounds, or both, as lessor or as lessee, for periods of less than five  
37 years subject to voter approval for construction of school buildings as  
38 prescribed in section 15-341, subsection A, paragraph 8.

39 10. Subject to chapter 16 of this title, sell school sites or enter  
40 into leases or lease-purchase agreements for school buildings and grounds, as  
41 lessor or as lessee, for a period of five years or more, but not to exceed  
42 ninety-nine years, if authorized by a vote of the school district electors in  
43 an election called by the governing board as provided in section 15-491,  
44 except that authorization by the school district electors in an election is  
45 not required if one of the following requirements is met:

1 (a) The market value of the school property is less than fifty  
2 thousand dollars.

3 (b) The buildings and sites are completely funded with monies  
4 distributed by the school facilities board.

5 (c) The transaction involves the sale of improved or unimproved  
6 property pursuant to an agreement with the school facilities board in which  
7 the school district agrees to sell the improved or unimproved property and  
8 transfer the proceeds of the sale to the school facilities board in exchange  
9 for monies from the school facilities board for the acquisition of a more  
10 suitable school site. For a sale of property acquired by a school district  
11 prior to July 9, 1998, a school district shall transfer to the school  
12 facilities board that portion of the proceeds that equals the cost of the  
13 acquisition of a more suitable school site. If there are any remaining  
14 proceeds after the transfer of monies to the school facilities board, a  
15 school district shall only use those remaining proceeds for future land  
16 purchases approved by the school facilities board, or for capital  
17 improvements not funded by the school facilities board for any existing or  
18 future facility.

19 (d) The transaction involves the sale of improved or unimproved  
20 property pursuant to a formally adopted plan and the school district uses the  
21 proceeds of this sale to purchase other property that will be used for  
22 similar purposes as the property that was originally sold, provided that the  
23 sale proceeds of the improved or unimproved property are used within two  
24 years after the date of the original sale to purchase the replacement  
25 property. If the sale proceeds of the improved or unimproved property are  
26 not used within two years after the date of the original sale to purchase  
27 replacement property, the sale proceeds shall be used towards payment of any  
28 outstanding bonded indebtedness. If any sale proceeds remain after paying  
29 for outstanding bonded indebtedness, or if the district has no outstanding  
30 bonded indebtedness, sale proceeds shall be used to reduce the district's  
31 primary tax levy. A school district shall not use the provisions of this  
32 subdivision unless all of the following conditions exist:

33 (i) The school district is the sole owner of the improved or  
34 unimproved property that the school district intends to sell.

35 (ii) The school district did not purchase the improved or unimproved  
36 property that the school district intends to sell with monies that were  
37 distributed pursuant to chapter 16 of this title.

38 (iii) The transaction does not violate section 15-341, subsection G.

39 11. Review the decision of a teacher to promote a pupil to a grade or  
40 retain a pupil in a grade in a common school or to pass or fail a pupil in a  
41 course in high school. The pupil has the burden of proof to overturn the  
42 decision of a teacher to promote, retain, pass or fail the pupil. In order  
43 to sustain the burden of proof, the pupil shall demonstrate to the governing  
44 board that the pupil has mastered the academic standards adopted by the state  
45 board of education pursuant to sections 15-701 and 15-701.01. If the

1 governing board overturns the decision of a teacher pursuant to this  
2 paragraph, the governing board shall adopt a written finding that the pupil  
3 has mastered the academic standards. Notwithstanding title 38, chapter 3,  
4 article 3.1, the governing board shall review the decision of a teacher to  
5 promote a pupil to a grade or retain a pupil in a grade in a common school or  
6 to pass or fail a pupil in a course in high school in executive session  
7 unless a parent or legal guardian of the pupil or the pupil, if emancipated,  
8 disagrees that the review should be conducted in executive session and then  
9 the review shall be conducted in an open meeting. If the review is conducted  
10 in executive session, the board shall notify the teacher of the date, time  
11 and place of the review and shall allow the teacher to be present at the  
12 review. If the teacher is not present at the review, the board shall consult  
13 with the teacher before making its decision. Any request, including the  
14 written request as provided in section 15-341, the written evidence presented  
15 at the review and the written record of the review, including the decision of  
16 the governing board to accept or reject the teacher's decision, shall be  
17 retained by the governing board as part of its permanent records.

18 12. Provide transportation or site transportation loading and unloading  
19 areas for any child or children if deemed for the best interest of the  
20 district, whether within or without the district, county or state.

21 13. Enter into intergovernmental agreements and contracts with school  
22 districts or other governing bodies as provided in section 11-952.

23 14. Include in the curricula which it prescribes for high schools in  
24 the school district career and technical education, vocational education and  
25 technology education programs and career and technical, vocational and  
26 technology program improvement services for the high schools, subject to  
27 approval by the state board of education. The governing board may contract  
28 for the provision of career and technical, vocational and technology  
29 education as provided in section 15-789.

30 15. Suspend a teacher or administrator from the teacher's or  
31 administrator's duties without pay for a period of time of not to exceed ten  
32 school days, if the board determines that suspension is warranted pursuant to  
33 section 15-341, subsection A, paragraphs 23 and 24.

34 16. Dedicate school property within an incorporated city or town to  
35 such city or town or within a county to that county for use as a public  
36 right-of-way if both of the following apply:

37 (a) Pursuant to an ordinance adopted by such city, town or county,  
38 there will be conferred upon the school district privileges and benefits  
39 which may include benefits related to zoning.

40 (b) The dedication will not affect the normal operation of any school  
41 within the district.

42 17. Enter into option agreements for the purchase of school sites.

1       18. Donate surplus or outdated learning materials to nonprofit  
2 community organizations where the governing board determines that the  
3 anticipated cost of selling the learning materials equals or exceeds the  
4 estimated market value of the materials.

5       19. Prescribe policies for the assessment of reasonable fees for  
6 students to use district-provided parking facilities. The fees are to be  
7 applied by the district solely against costs incurred in operating or  
8 securing the parking facilities. Any policy adopted by the governing board  
9 pursuant to this paragraph shall include a fee waiver provision in  
10 appropriate cases of need or economic hardship.

11       20. Establish alternative educational programs that are consistent with  
12 the laws of this state to educate pupils, including pupils who have been  
13 reassigned pursuant to section 15-841, subsection E or F.

14       21. Require a period of silence to be observed at the commencement of  
15 the first class of the day in the schools. If a governing board chooses to  
16 require a period of silence to be observed, the teacher in charge of the room  
17 in which the first class is held shall announce that a period of silence not  
18 to exceed one minute in duration will be observed for meditation, and during  
19 that time no activities shall take place and silence shall be maintained.

20       22. Require students to wear uniforms.

21       23. Exchange unimproved property or improved property, including school  
22 sites, where the governing board determines that the improved property is  
23 unnecessary for the continued operation of the school district without  
24 requesting authorization by a vote of the school district electors if the  
25 governing board determines that the exchange is necessary to protect the  
26 health, safety or welfare of pupils or when the governing board determines  
27 that the exchange is based on sound business principles for either:

28       (a) Unimproved or improved property of equal or greater value.

29       (b) Unimproved property that the owner contracts to improve if the  
30 value of the property ultimately received by the school district is of equal  
31 or greater value.

32       24. For common and high school pupils, assess reasonable fees for  
33 optional extracurricular activities and programs conducted when the common or  
34 high school is not in session, except that no fees shall be charged for  
35 pupils' access to or use of computers or related materials. For high school  
36 pupils, the governing board may assess reasonable fees for fine arts and  
37 vocational education courses and for optional services, equipment and  
38 materials offered to the pupils beyond those required to successfully  
39 complete the basic requirements of any other course, except that no fees  
40 shall be charged for pupils' access to or use of computers or related  
41 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
42 public meeting after notice has been given to all parents of pupils enrolled  
43 at schools in the district and shall not exceed the actual costs of the  
44 activities, programs, services, equipment or materials. The governing board  
45 shall authorize principals to waive the assessment of all or part of a fee

1 assessed pursuant to this paragraph if it creates an economic hardship for a  
2 pupil. For the purposes of this paragraph, "extracurricular activity" means  
3 any optional, noncredit, educational or recreational activity which  
4 supplements the education program of the school, whether offered before,  
5 during or after regular school hours.

6 25. Notwithstanding section 15-341, subsection A, paragraphs 8 and 10,  
7 construct school buildings and purchase or lease school sites, without a vote  
8 of the school district electors, if the buildings and sites are totally  
9 funded from one or more of the following:

10 (a) Monies in the unrestricted capital outlay fund, except that the  
11 estimated cost shall not exceed two hundred fifty thousand dollars for a  
12 district that utilizes the provisions of section 15-949.

13 (b) Monies distributed from the school facilities board established by  
14 section 15-2001.

15 (c) Monies specifically donated for the purpose of constructing school  
16 buildings.

17 Nothing in this paragraph shall be construed to eliminate the requirement for  
18 an election to raise revenues for a capital outlay override pursuant to  
19 section 15-481 or a bond election pursuant to section 15-491.

20 26. Conduct a background investigation that includes a fingerprint  
21 check conducted pursuant to section 41-1750, subsection G for certificated  
22 personnel and personnel who are not paid employees of the school district, as  
23 a condition of employment. A school district may release the results of a  
24 background check to another school district for employment purposes. The  
25 school district may charge the costs of fingerprint checks to its  
26 fingerprinted employee, except that the school district may not charge the  
27 costs of fingerprint checks for personnel who are not paid employees of the  
28 school district.

29 27. Sell advertising space on the exterior of school buses as follows:

30 (a) Advertisements shall be age appropriate and not contain promotion  
31 of any substance that is illegal for minors such as alcohol, tobacco and  
32 drugs or gambling. Advertisements shall comply with the state sex education  
33 policy of abstinence.

34 (b) Advertising approved by the governing board may appear only on the  
35 sides of the bus in the following areas:

36 (i) The signs shall be below the seat level rub rail and not extend  
37 above the bottom of the side windows.

38 (ii) The signs shall be at least three inches from any required  
39 lettering, lamp, wheel well or reflector behind the service door or stop  
40 signal arm.

41 (iii) The signs shall not extend from the body of the bus so as to  
42 allow a handhold or present a danger to pedestrians.

43 (iv) The signs shall not interfere with the operation of any door or  
44 window.

45 (v) The signs shall not be placed on any emergency doors.

1 (c) Establish a school bus advertisement fund that is comprised of  
2 revenues from the sale of advertising space on school buses. The monies in a  
3 school bus advertisement fund are not subject to reversion and shall be used  
4 for the following purposes:

5 (i) To comply with the energy conservation measures prescribed in  
6 section 15-349 in school districts that are in area A as defined in section  
7 49-541, and any remaining monies shall be used to purchase alternative fuel  
8 support vehicles and any other pupil related costs as determined by the  
9 governing board.

10 (ii) For any pupil related costs as determined by the governing board  
11 in school districts not subject to the provisions of item (i) of this  
12 subdivision.

13 28. Assess reasonable damage deposits to pupils in grades seven through  
14 twelve for the use of textbooks, musical instruments, band uniforms or other  
15 equipment required for academic courses. The governing board shall adopt  
16 policies on any damage deposits assessed pursuant to this paragraph at a  
17 public meeting called for this purpose after providing notice to all parents  
18 of pupils in grades seven through twelve in the school district. Principals  
19 of individual schools within the district may waive the damage deposit  
20 requirement for any textbook or other item if the payment of the damage  
21 deposit would create an economic hardship for the pupil. The school district  
22 shall return the full amount of the damage deposit for any textbook or other  
23 item if the pupil returns the textbook or other item in reasonably good  
24 condition within the time period prescribed by the governing board. For the  
25 purposes of this paragraph, "in reasonably good condition" means the textbook  
26 or other item is in the same or a similar condition as it was when the pupil  
27 received it, plus ordinary wear and tear.

28 29. Notwithstanding section 15-1105, expend surplus monies in the civic  
29 center school fund for maintenance and operations or unrestricted capital  
30 outlay, if sufficient monies are available in the fund after meeting the  
31 needs of programs established pursuant to section 15-1105.

32 30. Notwithstanding section 15-1143, expend surplus monies in the  
33 community school program fund for maintenance and operations or unrestricted  
34 capital outlay, if sufficient monies are available in the fund after meeting  
35 the needs of programs established pursuant to section 15-1142.

36 31. Adopt guidelines for standardization of the format of the school  
37 report cards required by section 15-746 for schools within the district.

38 32. Adopt policies that require parental notification when a law  
39 enforcement officer interviews a pupil on school grounds. Policies adopted  
40 pursuant to this paragraph shall not impede a peace officer from the  
41 performance of the peace officer's duties. If the school district governing  
42 board adopts a policy that requires parental notification:

43 (a) The policy may provide reasonable exceptions to the parental  
44 notification requirement.

1 (b) The policy shall set forth whether and under what circumstances a  
2 parent may be present when a law enforcement officer interviews the pupil,  
3 including reasonable exceptions to the circumstances under which a parent may  
4 be present when a law enforcement officer interviews the pupil, and shall  
5 specify a reasonable maximum time after a parent is notified that an  
6 interview of a pupil by a law enforcement officer may be delayed to allow the  
7 parent to be present.

8 33. Enter into voluntary partnerships with any party to finance with  
9 funds other than school district funds and cooperatively design school  
10 facilities that comply with the adequacy standards prescribed in section  
11 15-2011 and the square footage per pupil requirements pursuant to section  
12 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and  
13 location of any such school facility shall be submitted to the school  
14 facilities board for approval pursuant to section 15-2041, subsection 0. If  
15 the school facilities board approves the design plans and location of any  
16 such school facility, the party in partnership with the school district may  
17 cause to be constructed and the district may begin operating the school  
18 facility before monies are distributed from the school facilities board  
19 pursuant to section 15-2041. Monies distributed from the new school  
20 facilities fund to a school district in a partnership with another party to  
21 finance and design the school facility shall be paid to the school district  
22 pursuant to section 15-2041. The school district shall reimburse the party  
23 in partnership with the school district from the monies paid to the school  
24 district pursuant to section 15-2041, in accordance with the voluntary  
25 partnership agreement. Before the school facilities board distributes any  
26 monies pursuant to this subsection, the school district shall demonstrate to  
27 the school facilities board that the facilities to be funded pursuant to  
28 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed  
29 in section 15-2011. If the cost to construct the school facility exceeds the  
30 amount that the school district receives from the new school facilities fund,  
31 the partnership agreement between the school district and the other party  
32 shall specify that, except as otherwise provided by the other party, any such  
33 excess costs shall be the responsibility of the school district. The school  
34 district governing board shall adopt a resolution in a public meeting that  
35 analysis has been conducted on the prospective effects of the decision to  
36 operate a new school with existing monies from the school district's  
37 maintenance and operations budget and how this decision may affect other  
38 schools in the school district. If a school district acquires land by  
39 donation at an appropriate school site approved by the school facilities  
40 board and a school facility is financed and built on the land pursuant to  
41 this paragraph, the school facilities board shall distribute an amount equal  
42 to twenty per cent of the fair market value of the land that can be used for  
43 academic purposes. The school district shall place the monies in the  
44 unrestricted capital outlay fund and increase the unrestricted capital budget  
45 limit by the amount of the monies placed in the fund. Monies distributed



1 under this paragraph shall be distributed from the new school facilities fund  
2 pursuant to section 15-2041. If a school district acquires land by donation  
3 at an appropriate school site approved by the school facilities board and a  
4 school facility is financed and built on the land pursuant to this paragraph,  
5 the school district shall not receive monies from the school facilities board  
6 for the donation of real property pursuant to section 15-2041, subsection F.  
7 it is unlawful for:

8 (a) A county, city or town to require as a condition of any land use  
9 approval that a landowner or landowners that entered into a partnership  
10 pursuant to this paragraph provide any contribution, donation or gift, other  
11 than a site donation, to a school district. This subdivision only applies to  
12 the property in the voluntary partnership agreement pursuant to this  
13 paragraph.

14 (b) A county, city or town to require as a condition of any land use  
15 approval that the landowner or landowners located within the geographic  
16 boundaries of the school subject to the voluntary partnership pursuant to  
17 this paragraph provide any donation or gift to the school district except as  
18 provided in the voluntary partnership agreement pursuant to this paragraph.

19 (c) A community facilities district established pursuant to title 48,  
20 chapter 4, article 6 to be used for reimbursement of financing the  
21 construction of a school pursuant to this paragraph.

22 (d) ~~For~~ A school district to enter into an agreement pursuant to this  
23 paragraph with any party other than a master planned community party. Any  
24 land area consisting of at least three hundred twenty acres that is the  
25 subject of a development agreement with a county, city or town entered into  
26 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master  
27 planned community. For the purposes of this subdivision, "master planned  
28 community" means a land area consisting of at least three hundred twenty  
29 acres, which may be noncontiguous, that is the subject of a zoning ordinance  
30 approved by the governing body of the county, city or town in which the land  
31 is located that establishes the use of the land area as a planned area  
32 development or district, planned community development or district, planned  
33 unit development or district or other land use category or district that is  
34 recognized in the local ordinance of such county, city or town and that  
35 specifies the use of such land is for a master planned development.

36 34. TO THE EXTENT PERMITTED BY 34 CODE OF FEDERAL REGULATIONS SECTION  
37 106.34, OFFER COURSES OR CLASSES THAT ENROLL PUPILS OF ONLY ONE SEX.